



1 A copy of the executed Summons addressed to both Defendants is attached hereto as  
2 Exhibit A, and a copy of the Complaint in this matter were served pursuant to Rule 4(i) of the  
3 Federal Rules of Civil Procedure, by sending a copy of the Summons and Complaint via  
4 registered mail, return receipt requested, on December 19, 2007, to the following:

5 Dirk Kempthorne, Secretary of the Interior  
1849 C Street N.W.  
6 Washington, D.C. 20240

7 Dale Hall, Director  
8 United States Fish and Wildlife Service  
1849 C Street N.W., Room 3012  
9 Washington, D.C. 20240-0001

10 U. S. Attorney General Michael B. Mukasey  
11 U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
12 Washington, DC 20530-0001

13 Civil Process Clerk  
14 United States Attorney  
Southern District of California  
15 Federal Office Building  
880 Front Street, Room 6293  
16 San Diego, California 92101-8893

17 The documents were received on January 2, 2008, January 2, 2008, December 26, 2007, and  
18 December 26, 2007, respectively. Along with the Summons and Complaint in this matter, copies  
19 of the following documents were served on each of the Defendants and the U.S. Attorney as  
20 listed above:

- 21 1. Civil Cover Sheet filed December 19, 2007;
- 22 2. Notice of Party with Financial Interest filed December 19, 2007.

23 Respectfully submitted,

24 DATED: January 17, 2008

/s/ Lisa T. Belenky  
Lisa T. Belenky (CA Bar No. 203225)  
CENTER FOR BIOLOGICAL DIVERSITY  
1095 Market St., Suite 511  
San Francisco, CA 94103  
Telephone: (415) 436-9682 x 307

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John Buse (CA Bar No. 163156)  
CENTER FOR BIOLOGICAL DIVERSITY  
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Chicago, IL 60637  
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Attorneys for Plaintiff

# Exhibit A

Summons in a Civil Action (Rev 11/97)

# United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL  
DIVERSITY,

vs

UNITED STATES FISH AND  
WILDLIFE SERVICE and DIRK  
KEMPTHORNE, Secretary of the  
Interior,

## SUMMONS IN A CIVIL ACTION

Case No.

'07 CV 2380 JM AJB

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and  
serve upon PLAINTIFF'S ATTORNEY

Lisa T. Belenky (CA Bar No. 203225), CENTER FOR BIOLOGICAL DIVERSITY  
1095 Market St., Suite 511  
San Francisco, CA 94103

An answer to the complaint which is herewith served upon you, within 60 days after  
service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment  
by default will be taken against you for the relief demanded in the complaint.

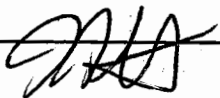
W. Samuel Hamrick, Jr.

CLERK

12/19/07

DATE

By



, Deputy Clerk

Summons in a Civil Action

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RETURN OF SERVICE			
Service of the Summons and Complaint was made by me		DATE <u>12-19-2007</u>	
NAME OF SERVER <u>Lisa T. Belenky</u>		TITLE <u>Staff Attorney</u>	
Check one box below to indicate appropriate method of service			
<p>Served personally upon the defendant. Place where served: _____</p> <p>Left copies thereof at the defendant's dwelling, house or usual place of abode with a person of suitable age and discretion then residing therein:</p> <p>Name of person with whom the summons and complaint were left: _____</p> <p>Return unexecuted:</p> <p>Other (specify): <u>Served on both Defendants pursuant to FRCp. 4(c)</u></p>			
STATEMENT OF SERVICE FEES			
TRAVEL		SERVICES	TOTAL \$0.00
DECLARATION OF SERVER			
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.</p> <p>Executed on: <u>December 19, 2007</u>      <u>Lisa T. Belenky</u></p> <p style="margin-left: 200px;">Date</p> <p style="margin-left: 200px;">Signature of Server</p> <p style="margin-left: 200px;"><u>CBD, 1095 Market St., Suite 511, San Francisco, CA</u></p> <p style="margin-left: 200px;">Address of Server</p> <p style="text-align: right; margin-right: 50px;"><u>94103</u></p>			
NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE			
<p>IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES, CONDUCT ANY OR ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. <u>COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.</u></p> <p>YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.</p> <p>JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE.</p>			

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure